

# Thomas-Jensen Affirmation

Exhibit # 75

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, et al.,

Plaintiffs,

C.A. No. 25-cv-39-JJM-PAS

v.

**DECLARATION OF  
MICHAEL F. RICE, PH.D.  
(MICHIGAN)**

DONALD TRUMP, et al.,

Defendants.

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I, Michael F. Rice, Ph.D., pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Superintendent of Public Instruction within the Michigan Department of Education (MDE), a position I have held since 2019. As State Superintendent, I oversee the entire MDE, including the Division of Business, Health, and Library Services; the Division of Assessment, School Improvement, and Systems Support; and the Division of Education Excellence, Career and Technical Education, Special Education and Administrative Law.

2. As State Superintendent, I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.

### **Michigan Department of Education**

3. MDE is the state education agency (SEA) for federal programs, including programs under the Individuals with Disabilities Education Act (IDEA), Title I through V of the Elementary and Secondary Education Act (ESEA), and the National School Lunch Act and Child Nutrition Act.

4. MDE is budgeted to receive more than \$2.3 billion from the federal government in fiscal year 2025 which, among other things, funds more than half of MDE's staff. Of the more than \$2.3B that MDE receives, approximately \$878 million is for child nutrition programs, \$488M is for special education through IDEA, \$714M is for Title I-V programs, and \$248M is for other federal programs.

5. Funding for child nutrition programs is reimbursement for meals and snacks served to children across several United States Department of Agriculture (USDA) programs, including school and childcare lunch and breakfast, at risk after-school care snacks and suppers, summer meals, and related programs. Michigan law requires public schools, including public school academies and traditional public school districts, to serve lunch and high poverty buildings to serve breakfast. As a result, nearly 1.4 million school children have access to these meals at school every day, with over 70 million breakfasts and 125 million lunches served throughout the school year.

6. Approximately 14% of Michigan's students qualify for special education services through the federal Individuals with Disabilities Education Act (IDEA). Federal funding is used to pay the excess costs for special education

teachers and administrators; related service providers, materials, and supplies for students with disabilities; professional development; and specialized equipment or devices to improve learning outcomes for students. Full funding of IDEA Part B is necessary for ensuring that a free appropriate public education is provided to students with disabilities, a requirement of IDEA. Federal funds, inclusive of the current investment of approximately \$406 million in addition to more than \$600 million to cover the current gap between what districts receive in special education revenue and what they spend on special education services, are critical to ensuring that Michigan can provide necessary services to the state's 200,000+ students with disabilities, as well as the almost 1.2 million students without disabilities.

7. Over \$700 million in federal funding is annually provided to MDE to support the various Title I – V programs including those for improving educational programs (Title I Part A), supporting Migrant and Indian Education programs (Title I Part C), English learner and Immigrant Education programs (Title III Part A), Rural Low-Income Education programs (Title V Part B), and programs designed to support neglected and delinquent students (Title I Part D). The aforementioned programs are further supported with Title IIA funding, which supports effective instruction with but not limited to professional development, educator recruitment, and systems support. Without this critical federal funding, many students would be left with fewer supports to help them to be better learners. Funding under the McKinney-Vento Act provides critical support for the student population experiencing homelessness that continues to grow after COVID-19 and post-federal

relief funds (Elementary and Secondary School Emergency Relief (ESSER) and American Rescue Plan (ARP)). Over 90% of Michigan public schools receive some Title I funds, to help ensure that all children receive a more equitable, high-quality education. Title I is a critical program that is intended to address systemic funding and opportunity gaps.

8. MDE's budget for this year has relied on all of these federal funding sources and MDE made plans and allocated funding for staffing and programs based on the anticipated receipt of federal funding promised under the Child Nutrition Programs, IDEA, ESEA Title programs and other federal programs such as Project AWARE.

#### **Impacts of a pause in federal funding**

9. A pause in our federal funding would have a direct, immediate, and adverse impact on the State of Michigan's ability to operate the programs listed above.

10. Federal funding accounts for approximately 9 percent of the State's education funding and pays for more than half of MDE's staff. If this funding is paused, local school districts would have to determine cuts to federally funded programs, including for economically disadvantaged students, and MDE will be forced to consider reducing its staffing and the services that it provides. Such reductions in staff and/or services would affect MDE's ability to assist local school districts in educating children and may reduce or delay subgrants of funds to local districts.

11. School district staff members have expressed concern to MDE about the potential of losing critical federal funding. Without the federal funds, children – especially children in poverty – and families would be left to navigate complex social service systems without the trusted assistance from their local school districts. Critical programs designed to address the needs of individual learners would be cut and children would be less likely to graduate from high school and to pursue postsecondary education of some sort. Children who drop out of high school or who do not pursue some form of postsecondary education have lower lifelong earning potential and suffer higher rates of chronic disease.

12. MDE draws \$45M weekly in federal disbursements. Michigan requests weekly disbursements of these funds based on verified expenditures from both the state agency and local agencies. If we do not receive such disbursements, the State of Michigan would be required to cover those expenditures. If Michigan is not able to cover requests for disbursement, MDE may run afoul of federal regulations requiring timely disbursement to local agencies.

13. MDE continues to be concerned that the funding will again be delayed or denied because federal agency communication regarding federal funding has been ambiguous at best.

14. If the federal funding is again paused, blocked, denied, or delayed suddenly, it could result in some students not receiving meals and some essential support not being provided to Michigan's students, families, educators, schools, and districts.


15. A pause in our federal funding would have a direct and adverse impact on the children of Michigan, who are the intended beneficiaries of the federal financial assistance that flows through these programs.

16. A pause of funding would delay funds flowing to local districts and would result in decreased resources to fund teachers and educational programming for students.

17. The reduction of funding could also have an adverse impact on the students who attend the Michigan School for the Deaf, a program operated directly by MDE. All students at the Michigan School for the Deaf have individualized education programs (IEPs) pursuant to the IDEA.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 5, 2025

A handwritten signature in black ink that reads "Michael F. Rice". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael F. Rice, Ph.D.  
State Superintendent  
Michigan Department of Education